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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/512,115	10/21/2004	Markus Herper	101194-90	2349
27387	7590	09/08/2006	EXAMINER	
NORRIS, MCLAUGHLIN & MARCUS, P.A.			WILLIAMS, MARK A	
875 THIRD AVE			ART UNIT	
18TH FLOOR			PAPER NUMBER	
NEW YORK, NY 10022			3676	

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/512,115

Applicant(s)

HERPER

Examiner

Mark A. Williams

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/17/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, in line 4, there is a lack of antecedent basis for “the door leaf mounting part”.

In claim 1, line 6, it is not fully understood exactly what is meant by the phrase “in their central region are pivotable relative to one another” in the context of the claimed invention. It is not clear what constitutes the central region in the context of the claim language.

Throughout claim 1, reference to “a fixed axis” is generally unclear, since it is not clear if the same fixed axis is being referred to or a different fixed axis. Further, it is unclear exactly what the fixed axis is “fixed” relatively to, in the context of the claimed invention.

In claim 4, there is a lack of antecedent basis for “the inlet side of the piston rod”.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lautenschlager, US Patent 4,251,900, in view of Beneke et al, US Patent 5,012,551.

Lautenschlager provides a universal joint hinge for the articulation of a door leaf on the carcass of a piece of furniture with a mounting plate which is disposed on the supporting wall of the carcass and on which a carcass mounting part 28 constructed as an elongated support arm is connected to a universal joint mechanism and the door leaf mounting part is constructed as a hinge cup 24, wherein the universal joint mechanism has two joint arms (28, 26) which, as best understood, in their central region are pivotable relative to one another like scissors and of which each one is pivotable at one of its ends about a fixed axis on one of

the mounting parts and at the respective other end is attached to the respective other mounting part so as to be variable in position along a predetermined space curve extending in a plane lying at right angles to the pivot axis of the hinge (see figure 3), characterized in that the joint arm 28 which is mounted so as to be pivotable about a fixed axis on or in the door leaf mounting part is mounted at its opposite end coupled to the carcass mounting part so as to be pivotable about a fixed axis (44, 54) on or in the end region of the carcass mounting part inside the carcass, that the portion of this joint arm which is positioned between the region which is pivotably mounted on the carcass mounting part and the region which supports the joints arms so that they pivot approximately centrally like scissors comprises two joint arm portions (38, 20) which are longitudinally displaceable relative to one another by a predetermined amount.

Lautenschlager provides the claimed invention except explicitly teaching a damping device which is effective at least during a part of the displacement movement of the joint arm portions relative to one another is provided between the two joint arm portions, as claimed. However, it is well known in the art to use dampening means in such a hinge arrangement. Beneke provides dampening means 10 in a similar hinge arrangement for providing a desired dampening action. It would have been obvious for one of ordinary skill in the art to have included in

the design of Lautenschlager such a modification, for the purpose of providing a desired dampening action.

Allowable Subject Matter

3. Claims 3-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Williams whose telephone number is (571) 272-7064. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark Williams
8/29/06


BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER